

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

FRANCES SPURLOCK AND JEFFREY  
SPURLOCK *et al.*,

Plaintiffs,

v.

DAVID FOX *et al.*,

Defendants.

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No. 3:09-CV-00756

Judge Nixon

**DEFENDANTS' MOTION FOR LEAVE TO FILE REPLY MEMORANDUM  
IN SUPPORT OF THEIR MOTION TO STRIKE EVIDENCE PRESENTED  
DURING THE PRELIMINARY INJUNCTION HEARING**

Defendants respectfully request leave to file a reply memorandum in support of their motion to strike evidence presented during the preliminary injunction hearing. (Docket No. 128). Plaintiffs filed a 29-page response to Defendants' motion to strike, attempting to justify admission of the challenged evidence. (Docket No. 130). In their proposed reply, Defendants have examined each of Plaintiffs' arguments and explained that Plaintiffs' analysis is based upon a misreading of the record and a misapplication of the law.

Defendants submit that their proposed reply would assist the Court in ruling on Defendants' motion to strike. Accordingly, Defendants request leave to file a reply memorandum in support of their motion to strike. For the Court's convenience, Defendants' proposed reply memorandum is attached hereto as Exhibit A.

Respectfully submitted,

THE DEPARTMENT OF LAW OF THE  
METROPOLITAN GOVERNMENT OF  
NASHVILLE AND DAVIDSON COUNTY  
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s/ Kevin C. Klein

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**Certificate Of Service**

I hereby certify that a copy of the foregoing has been sent via the CM/ECF electronic filing system, on this 22<sup>nd</sup> day of March, 2010 to:

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s/ Kevin C. Klein

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